

### **REMARKS**

This amendment is in response to the Office Action mailed April 6, 2009. Claims 1, 4 and 6 have been amended. Claim 21 has been cancelled. New claim 22 has been added. Claims 1-20 and 22 are currently pending. No new matter has been added.

#### **§112 Rejection**

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to remove the “physically continuous” language and instead recite “an outer covering that is a tube, made of a metal outer covering material and being constructed to have a solid annular lateral cross-section.” Support for this amendment can be found in at least paragraph [0050] and Figures 3, 4, and 5 of the Specification. For example, figure 3 shows the outer covering 20 having a solid annular lateral cross-section. Applicants respectfully request that the rejection be withdrawn.

#### **§102 Rejections**

Claims 1, 5-11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Soukup (US 6,755,794, hereinafter "Soukup"). Claims 2-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soukup.

Claim 1 recites a stylet for use with a medical stimulating lead comprising an outer covering that is a tube, made of a metal outer covering material and being constructed to have a solid annular lateral cross-section, and a solid inner core, made of inner core material, the inner core inside the outer covering.

Soukup discloses an adjustable stylet, which includes a core wire having a portion surrounded by a compression member preferably comprised of a flat wire spring. Soukup does not teach or suggest an outer covering that is a tube, made of a metal outer covering material and being constructed to have a solid annular lateral cross-section. Rather, the outer covering of Soukup

consists of a compression member 14 with open windings located throughout its length. These open windings only close when force is applied to the handle 16 (Soukup 3:44-46). Thus, Soukup teaches a compression member 14 that has a compressed state and an uncompressed state.

The compression member 14 of Soukup does not have a solid annular lateral cross-section. Rather, one looking at any given cross-section of the compression member 14 of Soukup would only see a portion of the compression member 14 represented by an arc. Even when compressed, the compression member 14 does not form a solid annular lateral cross-section because each cross-section will contain a break caused by the helical nature of the windings of Soukup. Thus, Soukup does not disclose an outer covering that is a tube being constructed to have a solid annular lateral cross-section, but one that has open windings throughout in its natural state.

The dependant claims also contain additional patentable elements. For example, claim 6 recites a stylet, wherein the inner core has a variable diameter along the length of the stylet. Soukup does not teach or suggest such an inner core with a variable diameter. Similarly, new claim 22 recites a stylet having a proximal end and a distal end, wherein the diameter of the inner core increases along the length of the stylet from the proximal end to the distal end. Therefore, Applicants submit that for at least these reasons, claim 6 is in condition for allowance.

Claims 2 recites a stylet, wherein the outer covering material is a super-elastic material, which outer covering material is substantially more resistant to permanent bending deformation than the inner core material; and wherein the inner core material is a linear elastic material, which inner core material is substantially more resistant to buckling than the outer covering material. Claim 11 recites a second combination, wherein the inner core material is a super-elastic material, which inner core material is substantially more resistant to permanent bending deformation than the outer covering material, and wherein the outer covering material is a linear-elastic material, which outer covering material is substantially more resistant to buckling than the inner core material.

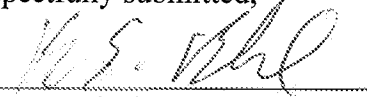
The Office Action states acknowledges that Soukup does not disclose a stylet having an inner core material that is super-elastic and an outer covering material that is a linear-elastic

material or vice versa (Office Action, p. 5). These combinations are not a matter of design choice, but provide a composite stylet that can withstand high torque and high buckling forces during use as described in, for example, paragraph [0052] of the Specification. Soukup does not teach or suggest this combination of materials because Soukup does not address the problem of and a need for a composite stylet that can withstand high torque and high buckling forces. Therefore, Applicants submit that for at least these reasons, claims 2 and 11 are in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner has any questions or concerns, the Applicants encourage the Examiner to contact the Applicants' representative, Bruce Black, by telephone to discuss the matter.

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Respectfully submitted,

By 

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